

**FAIRFAX COUNTY PLANNING COMMISSION  
SCHOOL FACILITIES COMMITTEE  
THURSDAY, APRIL 22, 2004**

**PLANNING  
COMMISSION  
COMMITTEE  
MEMBERS  
PRESENT:**

Walter L. Alcorn, At-Large  
John R. Byers, Mount Vernon District  
Suzanne F. Harsel, Braddock District  
Frank A. de la Fe, Hunter Mill District  
Laurie Frost Wilson, At-Large

**SCHOOL BOARD  
MEMBERS  
PRESENT:**

Kathy Smith, Chairman, Sully District  
Kaye Kory, Vice-Chairman, Mason District  
Catherine Belter, Springfield District  
Ilryong Moon, At-Large  
Stephen Hunt, At-Large  
Judith (Tessie) Wilson, Braddock District  
Philip Niedzielski-Eichner, Providence District

**STAFF PRESENT:**

Barbara J. Lipa, Executive Director, Planning Commission Office  
S. Robin Hardy, Assistant Director, Planning Commission Office  
Norma J. Duncan, Associate Clerk, Planning Commission Office  
Ken Williams, Chief, Plan and Document Control, Department of Public Works and Environmental Services (DPWES)  
Barbara Byron, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)  
Donna McNeally, Assistant Director, Zoning Evaluation Division, DPZ  
Brad Draeger, FCPS, Acting Superintendent  
Gary Chevalier, FCPS, Director, Office of Facilities Planning Services  
Dean Tistadt, FCPS, Assistant Superintendent, Department of Facilities & Transportation Services

**OTHERS PRESENT:**

James R. Hart, Commissioner At-Large  
Nancy Hopkins, Dranesville District  
Ronald W. Koch, Sully District  
Kenneth Lawrence, Providence District  
Rodney Lusk, Lee District  
Janet R. Hall, Mason District  
Peter F. Murphy, Jr., Springfield District  
Bob Griendling, Fairfax County Citizen

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Vice-Chairman John R. Byers constituted the Committee at 7:31 p.m., pursuant to Section 4-102 of the Planning Commission's *Bylaws & Procedures*, and indicated that the first order of business was to elect a committee chairman. He MOVED TO NOMINATE SUZANNE HARSEL AS CHAIRMAN OF THE 2004 SCHOOL FACILITIES COMMITTEE.

Commissioner de la Fe seconded the motion which carried unanimously.

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Chairman Harsel asked for introductions of all present and expressed her delight at the attendance of so many School Board and Planning Commissioners members. She also commented that she envisioned many future committee meetings, possibly every other month.

Commissioner Harsel explained some land-use terms that were used in the Fairfax County Comprehensive Plan for the benefit of the School Board attendees and noted the recent passage of residential development criteria.

Commissioner Alcorn explained the residential development criteria and distributed a handout of what was adopted (copy contained in the committee file). He noted that the Planning Commission and a number of School Board Members had been involved in the development of the public facilities criteria. He stated that these criteria became effective January 7, 2003, so the Commission currently had 15-16 months of experience. He said he considered the current Committee meeting to be a pre-meeting to one scheduled on May 6, 2004, to review the implementation of the overall criteria. In the current meeting, he pointed out, the discussion was specifically on the school facilities portion of the public facilities criteria. The May 6<sup>th</sup> meeting would review the entire document.

Commissioner Alcorn focused on number six in the document, "Public Facilities" which, he noted, was of most interest to those present. He mentioned that it was divided into three parts. The first part, he said, dealt with identifying the impact on public facilities of new residential development, and the criteria calls for a methodology to quantify that impact. He noted that given the unique situation of the school system, the Planning Commission had called for a specific impact methodology for schools.

Philip Niedzielski-Eichner, School Board Member, Providence District, asked why the schools needed this methodology, to which Commissioner Alcorn responded that schools were the Commission's number one priority. Chairman Harsel clarified that the Commission also met with the Fairfax County Park Authority and Department of Housing separately.

Commissioner Alcorn noted that the second piece was to identify the public needs surrounding the subject property of the proposed application. He conjectured that while there may be school needs which were not fully funded, sometimes other public facility needs had to be met, which might be a higher community need and be identified during the zoning process. He stated that it was the job of the Commission to balance those needs based on the public facilities criteria.

Noting that the information collected related to capital improvements, he explained that this was where proffers were used as a remedy. As an example, Commissioner Alcorn continued, if a particular school or pyramid became overcrowded, that would not be legal justification for denying an application. To attempt to resolve overcrowding and other situations was one reason, he continued, that the Planning Commission had documented it that way. Although the Commission recognized that this solution was not satisfactory to all, he said, it was a compromise reached after debating the issue, and he was satisfied that it was working well. He asked if there were any questions at this point.

Commissioner Alcorn asked Barbara Byron to explain her handouts (contained in the committee file) and also asked where the school proffer money had gone to date.

Ms. Byron explained that staff tracked the proffers for a couple of reasons. The first, she offered, was that Virginia now required the tracking of monetary contributions, and the second was that the Board wanted to know the outcome of the development criteria. The collection of the data began in January 2003. What it captured, she explained, was not only basic information about cases, but also their commitment to the schools. The reason that the County had approximately 56 cases, she noted, and only two collections, was that payment was made later in the development process, at site plan approval, or at construction. She stated that only two of the applications had gone to the development process stage and contributed money to date.

Commissioner Hart commented that the matrices would be helpful if they were periodically distributed. He said that Chairman Connolly, as a priority, wanted accountability for the money.

Ms. Byron commented that after every Board meeting, all the proffers were tracked on a spreadsheet which contained a variety of information, and was updated on a weekly or monthly basis. Ms. Byron said the chart was small in order to focus on schools, but stated an expectation to send the Committee a much larger informational chart for the May meeting.

Commissioner Alcorn commented that the Commission was just beginning to learn how to guide the development community to write the proffers relating to these contributions, and asked Mr. Williams to explain how his staff interpreted the various proffers that were sent to a specific school, or a pyramid, or to schools in general.

Mr. Williams, DPWES, responded that his office began with the site plans, then went through all the proffers, concentrating on cash proffers. Afterward they looked for triggers, he said, such as timing. Then, he continued, they set reminders throughout the process to make sure these monies were collected. Most proffers, he added, specifically designated the beneficiary school but sometimes one proffer designated funds to two schools. If not specifically designated, he said, the proffer money would go into a fund to be used for the schools in the area, and when collected, would go to the School Board with an explanation. Also, he said, his memo to the School Board each month showed where funds had been deposited with a specific account number at the time of transfer.

Commissioner Harsel asked when the funds were collected. Mr. Williams replied that it was based on what the proffer stated, and whether it was a site plan approval or a rezoning. The developer would submit a site plan or supplemental plan which, he explained, would be processed according to assigned conditions for developers, which were partly set by the proffer. It could happen at that point, he said, or the Board could allow approval so that the developer could start construction and then present the first rough, and that was where it became complicated. Commissioner Alcorn asked if that was the residential use permit and Mr. Williams confirmed that it was.

Commissioner Alcorn asked School attendees about their accounting activity following a deposit in one of those accounts, which he concluded was probably an evolving process.

Gary Chevalier, FCPS, confirmed that the process was evolving to some extent. He stated that the money arrived with a transmittal sheet and often with a copy of the proffer itself. If it was a general contribution to the School Board, he said, it would be placed into a central account held for construction activity, but in other cases, such as a specific proffer, the funds would be put into the account identified for that particular school. Commissioner Harsel noted that this procedure existed before the development criteria, which Mr. Chevalier acknowledged.

Mr. Chevalier said that there was a tracking problem with the proffer process because sometimes the developers made a check payable directly to the school, followed by a receipt on school stationery. He indicated his preference that all proffers be processed centrally, and then funneled to the schools. Commissioner Alcorn replied that Mr. Chevalier should work with Mr. Williams on tracking, adding that, on the County side, somebody should be tracking these funds in the Department of Management and Budget as part of paydown capital so that the numbers would eventually show up in the Capital Improvement Program (CIP). Barbara Byron replied that proffers came in every shape and size making it difficult to have a uniform system for tracking since they moved over different routes. Sometimes, she noted, the money was proffered to the BOS for distribution to a certain pyramid so the path often varied.

Commissioner de la Fe asked Mr. Chevalier whether a \$10,000 cash proffer intended for the applicants, and processed through the School Board's normal accounting system, would be charged an administrative fee. Mr. Chevalier stated that there were no administrative charges.

Ms. Kaye Kory, School Board Vice-Chairman, Mason District, stated that it would be better for the schools not to negotiate directly with the principal and should leave the negotiation to staff, i.e., Gary Chevalier or Dean Tisdadt. Commissioner Harsel remarked that she had been responsible for directing calls to the principal because of the impact on that particular school and that the school should know its own needs. Ms. Kory said she did not mean to not talk to the principal, but to everyone involved.

Commissioner Hall remarked that citizens who attended land-use meetings were also involved in the PTA and would know exactly the needs at their school.

Commissioner Wilson suggested that there were boilerplate proffers available and that could be used to filter funds through a particular office with the right mechanism for tracking.

Mr. Chevalier referred to the spreadsheet, noting that substantial money from proffers was beginning to filter through the system. He said there was approximately \$4.5 million of accrued proffers to be accounted for which illustrated the need for a consistent tracking mechanism.

Commissioner Wilson noted that some proffers were developed on an ad hoc basis and not much thought had been given as to whether a standardized payment should be used or passed through a mechanism to the school system.

Steve Hunt, School Board Member At-Large, voiced his perspective that there was a CIP already approved by the County and an adjunct to that plan was the school's technology plan and it would be good if the two were aligned. The CIP could be used for funding and renovation, he said, and observed that one of the School Board's main concerns were old computers, some of which were over seven years old. He confirmed the benefit of processing proffers through a more central office to adequately address the most pressing needs.

Commissioner Alcorn asked Ms. Byron how long the process took from approval of the rezoning case until the money arrived. She replied that it could be a year or past the committee members' lifetimes depending on the application.

Commissioner Murphy recommended that if the money was to go to the schools, the Board of Supervisors not be part of it. Commissioner Wilson said it should go directly to school offices. Ms. Byron said that when the Board adopted its implementation motion, there was much discussion about this and the Board very consciously wanted the unspecified cash to be brought to the BOS in their annual CIP budget process for allocation. She noted that anything else would require a policy change.

Commissioner Alcorn said the important thing was that when Mr. Williams reviewed the proffer for implementation, his action would depend on how the proffer had been written.

Commissioner Harsel said she had some proffers from the Providence District which gave computers to two different schools. Commissioner Wilson stated that the process could be fixed right away once an office had been designated for payment. She used the example of how Fire Marshal fees were handled, and if developers paid directly, they could send a copy of the receipt to site review as evidence of payment.

Mr. Williams acknowledged that they collected some Fire Marshal fees. He said that VDOT was a separate issue, but generally all fees filtered through his office and through Finance.

Commissioner Harsel asked for confirmation that all funds would go through Mr. Chevalier's group to be doled out to individual schools. Mr. Chevalier responded that he would see that it got added. As an example, he mentioned a proffer from a developer for \$7500 designated for Colvin Run Elementary with instructions to take a check to Colvin Run and get a receipt on their letterhead. Since Colvin Run was a new school, he said, the principal was not sure if she should take the check because they already had new equipment. He told her that if she did not take the check, he would, so she decided to keep it. He said his point was to emphasize the tracking to make sure money was being used for the right need.

Commissioner Harsel asked if a dual letter or a sign-off would be appropriate. Mr. Chevalier confirmed that his office was set up to receive proffers through the accounting system and then to place funds with the proffered school. Ms. Byron said she would be more comfortable if funds followed the normal process through DPWES to Mr. Chevalier's office for distribution because of DPZ's responsibility to the County and State. She noted that she had no problem

with funds going through his office for distribution but they should start at DPWES. Commissioner Harsel asked how Ms. Byron wanted the proffer written. Ms. Byron mentioned her surprise that checks were being given to principals since she thought they were only being given computers. She said she would try to clarify a proffer for the administration and distribution of money to the schools.

Commissioner Lawrence said there was one other factor that might be considered, referring to the third paragraph under item six of "Public Facilities," which states that "All rezoning applications for residential development are expected to offset their public facility impact and to first address public facility needs in the vicinity of the proposed development."

Mr. Chevalier noted that the mobile computer labs allowed for creation of classrooms previously dedicated as computer labs to increase more capacity.

Commissioner Hall recommended that language be developed to state the exact distribution because the County had conditions about implementation as part of an application. She said the difficult part was developing a condition that any monies or items proffered would be distributed a certain way, rather than the tracking. However, she noted her belief that sample language could be developed with the School Board that would include implementation.

Ms. Byron acknowledged the possibility of having an internal process, but made the observation that people who voluntarily wrote proffers might not follow instructions. Commissioner Hall countered that there could be a condition stating that in order to receive credit for that proffer, notice must be provided to the County.

Commissioner Alcorn asked Gary Chevalier if the School Board was developing procedures to educate school staff on the appropriate use of these funds. Mr. Chevalier responded that they had held a work session with the School Board on the previous Monday in which they had discussed proffers, developing a policy, and how to prioritize proffers to get them underway.

Commissioner Alcorn clarified a clause in the schools' impact analysis form regarding a misunderstanding on what was meant by additional students. The misunderstanding, he noted, was that additional students meant beyond the base zoning, emphasizing that the criteria applied only to rezoning applications and not to by-right development. He stated that it was a minor revision but an important one for making sure these are sustainable from legal and other challenges. Mr. Chevalier said that his office had interpreted "additional" to mean additional to the school system and said they would make that adjustment.

Chairman Harsel asked if another meeting should be scheduled which the School Board members confirmed. She noted that she would coordinate another meeting in the near future.

SCHOOL FACILITIES COMMITTEE

April 22, 2004

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The meeting was adjourned at 8:19 p.m.  
Suzanne F. Harsel, Chairman

For a verbatim record of this meeting, reference may be made to the audio recording which can be found in the Office of the Planning Commission of Fairfax County, Virginia.

Minutes by: Norma Duncan

Approved on: October 20, 2004

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Linda B. Rodeffer, Clerk  
Fairfax County Planning Commission